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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,791	02/06/2002	Kazuaki Yamaguchi	782_217	7478

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BURR & BROWN

PO BOX 7068

SYRACUSE, NY 13261-7068

EXAMINER

KACKAR, RAM N

ART UNIT

PAPER NUMBER

1763

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,791

Applicant(s)

YAMAGUCHI ET AL

Examiner

Ram N Kackar

Art Unit

1763

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Aruga et al (US 5688331).

Aruga et al disclose a susceptor supporting construction of ceramic (Abstract, Fig 8 and Col 2 lines 63-67 and Col 4 lines 31-32) for heating member (Abstract), the inner space of the supporting member communicating with opening of the chamber and a seal between the supporting member and the inner space of the chamber (Col 3 lines 1-4 and Col 7 lines 48-50), a diameter extending portion and a continuous round portion between diameter extending portion and the main supporting member (Fig 8), radial thickness of diameter extending portion being greater than that of the main portion.

3. Claims 1, 3-8 are rejected under 35 U.S.C. 102(b) as being anticipated by applicants admitted prior art.

Applicants admitted prior art (AAPA) disclose a susceptor supporting construction of ceramic, for heating member (Abstract), the inner space of the supporting member communicating with opening of the chamber (Fig -6) and a seal between the supporting member and the inner space of the chamber (20), a diameter extending portion (21a) and a continuous round portion between diameter extending portion and the main supporting member (Fig 6),

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radial thickness of diameter extending portion being greater than that of the main portion, straight portion between the round portion and diameter extending portion and substantially same diameter along the entire length of the support member.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aruga et al (US 5688331).

Aruga et al discloses a round portion between the main portion and diameter-extending portion but do not disclose its dimensions.

The actual dimensions are however designed according to the properties of the susceptor and support member material, size of the susceptor and range of process parameters like temperature and pressure. Therefore they are optimized as per requirement and are held obvious.

6. Claims 3-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aruga et al (US 5688331) in view of Chen et al (US 6423949).

Aruga et al discloses a round portion between the main portion and diameter-extending portion but do not disclose the straight portion between the round portion and diameter extending portion or another round portion in the susceptor and a parallel portion.

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Chen et al disclose the straight portion between the round portion and diameter extending portion or another round portion in the susceptor and a parallel portion (Fig 4 -Top of 158) and disclose the first wall portion and second wall portion being integral.

Therefore it would have been obvious to one of ordinary skill in the art at the time when invention was made to have a structure like that of Chen et al installed on Aruga et al in order to make the susceptor supported more reliably on a wider area.

Response to Amendment

Applicant's arguments filed 5/11/2004 have been fully considered but they are not persuasive.

Applicant argues that the entirety of the second wall portion or the diameter-extending portion is not joined to the plate assembly. Since Fig 8 clearly shows them being connected it is not necessary that reference should explicitly point it out. It is obvious that there must be some way to keep it in place.

Moreover, making elements integral was held to have been obvious. *Nerwin v. Erlichman* 168 USPQ 177 (PO BdPatApp 1969); *In re Wolfe* 116 USPQ 443 (CCPA 1958); *In re Howard* 150 US 164 (USSC 1893).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ram N Kackar whose telephone number is 571 272 1436. The examiner can normally be reached on M-F 8:00 A.M to 5:P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Mills can be reached on 571 272 1439. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RK


GREGORY MILLS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700